and to a composition comprising the compound and a pharmaceutically acceptable carrier or diluent, classified in class 536, subclass 24.5.

II Claims 16-25, drawn to a method of treating a human having a disease or condition associated with mitoNEET comprising administering to said animal an antisense compound so that the expression of mitoNEET is inhibited, classified in class 514, subclass 44.

Applicants respectfully traverse the requirement for restriction of the claims into the two Groups. As stated in MPEP §803.01, "[t]here are two criteria for a proper restriction requirement for restriction between patentably distinct inventions: (A) The inventions must be independent ... or distinct as claimed ...; and (B) **There must be a serious burden on the examiner if restriction is required** ... ." (emphasis added). Applicants respectfully submit that the Examiner has failed to show there is an undue burden since as the Examiner has pointed out restriction has made been between the product claims of Group I and the product by process claims of Group II and where applicant elects claims directed to the product, and a product claim is subsequently found allowable, withdrawn process claims that depend from or otherwise include all the limitations of the allowable product claims will be rejoined in accordance with the provisions of MPEP § 821.04. Therefore, no burden has been established.

To comply with 37 CFR 1.143, applicants elect the invention of Group I (Claims 1-15). Applicants reserve the right to amend the process claims of Group II to include all of the limitations of the allowable product claims, to have the amended process claims entered as a matter of right and to be rejoined in accordance with the provisions of MPEP § 821.04.

The Examiner has also required further restriction of Claims 3, 4, 5 and 6 since it is allegedly not considered to be a proper genus/Markush, since each sequence is structurally unique. The Examiner further argues each sequence is considered to be repugnant and unrelated since each sequence is structurally and functionally independent for the following reasons: each sequence has a unique nucleotide sequence, each of the sequences do not contain a common structural core, and each sequence targets a specific region of a mitoNEET RNA. Although each of the

antisense sequences comprise nucleotides, it is the sequence of such sequence that defines each oligonucleotide.

To comply with 37 CFR 1.143, applicants elect the sequence of SEQ ID NO:1 with respect to restriction requirement related to claims 3, 4, 5, and 6.

Applicants reserve the right to file one or more divisional or continuation applications directed to unelected subject matter.

Further prosecution on the merits is requested.

Respectfully submitted,

S. Christopher Bauer
Registration No. 42,305
TEL: 314-274-6257
Pharmacia Corporation of
Pfizer Inc
P. O. Box 1027
St. Louis, MO 63006